



COMMODITY FUTURES TRADING COMMISSION

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Division of
Enforcement

BY ECF

The Honorable P. Kevin Castel
United States Courthouse
Courtroom 11D
500 Pearl Street
New York, NY 10007

January 7, 2020
Conference adjourned from January 9, 2020 to
February 21, 2020 at 10:45 a.m.
SO ORDERED.

Dated: 1/7/2020



P. Kevin Castel
United States District Judge

Re: *CFTC v. Dominick Vincent Carducci, et al., 19-CV-08351;*
Request to Adjourn January 9, 2020 Initial Pretrial Conference

Dear Judge Castel:

We represent Plaintiff Commodity Futures Trading Commission in the above-captioned case. We write respectfully to request an adjournment of the initial pretrial conference, now scheduled for January 9, 2020 at 10:45 a.m., in view of the Defendants' default. This is Plaintiff's second request to adjourn the initial pretrial conference (the first such request being Doc. No. 22).

This case commenced with the filing of the Complaint on September 9, 2019. (Doc. No. 3.) On September 11, 2019, this Court entered an Order scheduling the initial pretrial conference for November 6, 2019. (Doc. No. 6.) Defendant Dominick Vincent Carducci ("Carducci") was served with the Summons and Complaint on October 3, 2019, and Defendant VOS Capital Management, LLC ("VOS Capital") was served on September 13, 2019. (Doc. Nos. 10, 11.) When neither Defendant answered or moved with respect to the Complaint, Plaintiff requested issuance of Clerk's Certificates of Default. (Doc. Nos. 26-29.) On October 30, 2019, this Court, by endorsed letter order, adjourned the initial pretrial conference to January 9, 2020. (Doc. No. 23.) On November 5, 2019, Clerk's Certificates of Default were entered as to each Defendant. (Doc. Nos. 30, 31.)

In addition, as we previously informed the Court (*see* Doc. No. 22), there is a related criminal case pending against Defendant Carducci in the U.S. District Court for the District of South Carolina, *U.S. v. Dominick V. Carducci*, 6:19-cr-00469-BHH. As indicated in the ECF docket of that case, on November 4, 2019, Mr. Carducci entered a guilty plea in that case, and he is presently incarcerated awaiting sentencing.

In view of Defendants' default, Plaintiff intends to move for entry of default judgment against the Defendants. Plaintiff anticipates filing such motion no later than January 24, 2020.

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Accordingly, Plaintiff respectfully requests that the initial pretrial conference scheduled for January 9, 2020 be adjourned.

Respectfully submitted,

/s David W. MacGregor

David W. MacGregor

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Commodity Futures Trading Commission

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cc: Mr. Dominick Vincent Carducci (by overnight mail and email)

VOS Capital Management, LLC (by overnight mail c/o United States Corporation Agents, Inc., VOS Capital's registered agent)